

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
AHAI AMARIS NAMI BEY, :

Plaintiff, :

-v- :

JOHN DOE NYPD OFFICERS, et al., :

Defendants. :

-----X
PAUL A. ENGELMAYER, District Judge:

19 Civ. 2248 (PAE) (OTW)

ORDER OF DISMISSAL

On October 9, 2020, the Court issued an order to show cause why this action should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41. Dkt. 22. On March 11, 2019, plaintiff filed the complaint in this action. Dkt 1. On November 4, 2019, the Court ordered the plaintiff to file an amended complaint by December 4, 2019. Dkt. 16. On December 12, 2019, the defendants filed a motion to dismiss for failure to prosecute pursuant to Fed. R. Civ. P. 41(b) because the plaintiff had not complied with the Court's November 4, 2019 order to file an amended complaint. Dkt. 17. On December 13, 2019, the Court denied the defendants' motion to dismiss as moot and without prejudice to renew because, although the plaintiff had failed to timely file an amended complaint, it was unclear from the docket whether plaintiff had received the Court's previous order. Dkt. 19. The Court then ordered the plaintiff to file an amended complaint by January 31, 2020. *Id.* The plaintiff has not responded to the Court's order to file an amended complaint nor has she updated the Court with changes in address, and no progress has been made on the case.

The Court's October 9, 2020 order to show cause advised that if the Court did not receive any written communication from plaintiff by October 26, 2020, showing good cause why this action should not be dismissed for failure to prosecute, the Court would dismiss the case without prejudice. The Court has not received any written communication from the plaintiff since the Court's order to show cause.

Accordingly, under Federal Rule of Civil Procedure 41(b) and the Court's inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962), the Court hereby dismisses this case, without prejudice, for the plaintiff's failure to prosecute.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: October 27, 2020
New York, New York